

Secondhand Smoking in Alameda

November 1, 2011

Background

- April 2011: Report to City Council on options to improve Alameda's secondhand smoke policies
- Staff was directed to draft an ordinance that would result in an A+ from the American Lung Association's State of Tobacco Control Report
- Ordinance improving secondhand smoke protections for places of employment, public outdoor places, and multi-unit housing was prepared

Places of Employment

- Ordinance expands the protections codified in State Law to include:
 - Hotel lobbies & banquet facilities
 - 90% of hotel guest rooms
 - Licensed child, adult, and healthcare facilities
 - Vehicles used for work
 - Warehouse facilities
 - Medical research sites
 - Tobacco shops
 - Owner-operated businesses open to the public
 - Outdoor work sites
 - Theatrical production sites

Outdoor Public Places

- Ordinance provides comprehensive protection for outdoor public places, including:
 - Dining Areas
 - Entryways
 - Public Events
 - Recreation Areas
 - Service Areas
 - Shopping Malls
 - Commercial-Area Sidewalks

Multi-Unit Housing Defined

- Multi-unit – Premise containing two or more units
- Rental complexes – 51% or more of the units are rented by the same landlord
- Common interest complex – includes condos, co-ops, planned unit developments
- Does not include single family homes (including those with second units)

Multi-Unit Housing

Ordinance contains the following provisions:

- Prohibits smoking in 100% of all rental complex units
- Prohibits smoking in new common interest complexes
- Prohibits smoking in all common areas
- Restricts location and size of designated smoking areas
- Creates 20-foot smoking buffer zones
- Creates disclosure requirements
- Requires leases include smoking prohibition clauses
- Requires no-smoking signs

Areas of Concern

- Outdoor Public Places
 - Ordinance effectively bans smoking in all outdoor commercial areas
- Housing
 - 100% prohibition in rental complexes
 - Alternative provided to allow 10% designated smoking units
 - Existing common interest complexes were not included in unit prohibitions

Effective Dates

- Effective 30 days after adoption
 - All provisions pertaining to employment and outdoor public places
 - New units prohibitions (rental & common interest)
 - Common area prohibitions (rental & common int.)
 - Buffer zones
 - Disclosure requirements pertaining to housing
 - All signage requirements

Effective Dates Cont.

- Effective January 1, 2013
 - Existing unit prohibitions in rental complexes
 - Smoking prohibition clauses in lease and rental agreements
 - Diagrams of non-smoking and smoking areas in lease and rental agreements

Enforcement

- Violations are infractions subject to fines ranging from \$100 - \$500
- Violations may also be subject to civil action, brought by the City Attorney
- Private enforcement provisions also allow civil actions to be brought by private parties

Education & Outreach

- Community announcement and press release
- Business and housing associations notified
- Webpage containing FAQ, downloadable no-smoking signs, and links to resources
- Ordinance requirements will be distributed with business license renewal forms
- City staff will convene a signage committee to maximize the impact of public signs